IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE CIVIL JURISDICTION

WRIT PETITON NO.5693 OF 2005

Mrs.Manoramabai Ramchandra Nagvekar.. Petitioner

v/s.

Smt.Dulari Rajaram Gupta .. Respondent

Mr.A.S.Khandeparkar for the petitioner.

Mr.Bhangare for the respondent.

CORAM : SMT.NISHITA MHATRE, J.

DATED : 5th October, 2005

P.C.

This petition challenges the concurrent findings of both the courts below. The suit was decreed on three grounds viz. bonafide requirement of the suit premises, permanent additions and alterations in the suit premises and default in payment of rent. The appellate court has confirmed the decree on the ground of bonafide requirement and default in payment of rent. According to the petitioner, there is no case made out by the plaintiff to demand a higher rent of Rs.20/-. He states that in the earlier proceedings rent was stated to be Rs.13.20 by the landlord. However, in the present case, the petitioner has not filed any standard rent application after the suit was filed

nor after the demand notice was issued.

2. The need for the premises has been considered

and both the courts below have found that the premises are required by the respondent on account of her large family for residence. In such circumstances, I see no reason to interfere.

Rejected.

3. Time to vacate the suit premises is granted for one year on the usual undertaking being given by the petitioner.

(SMT.NISHITA MHATRE, J.)